

Appn. Number 10/811,413 (Sung et al.) GAU 1615 Amnt. A contd. Page 7

### **REMARKS - General**

This is responsive to the Examiner's Office Action mailed October 2, 2007. Applicants have amended claims 3, 5, and 18; have cancelled claims 1, 2, 4, 6-17, and 19-20; and have added new claims 21-30. Thus, claims 3, 5, 18, and 21-30 (a total of 13 claims, including 3 independent claims) are pending in this application.

The status of all claims and all pending claims are shown above. In the changes made to the claims by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined.

### ***Discussion of Inventorship***

Applicants certify that the subject matter of the various claims in this patent application was commonly owned at the time any invention covered therein was made absent any evidence to the contrary.

### ***Discussion of Drawings***

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they include a reference character "I" not mentioned in the description. Applicants have amended paragraph 0225 to insert the statement "--The character "I" in FIG. 9 shows the interface.--" at the end of paragraph 0225.

### ***Double Patenting***

Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 (01/10/2005 version) of copending Application No. 10/520,878. A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) or 1.321 (d) is included to overcome an actual or provisional rejection based on a nonstatutory double patenting ground.

Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 (08/11/2004 version) of copending Application No. 10/916,170. A timely filed terminal disclaimer in compliance with 37 CFR

Appn. Number 10/811,413 (Sung et al.) GAU 1615 Amnt. A contd. Page 8

1.321 (c) or 1.321 (d) is included to overcome an actual or provisional rejection based on a nonstatutory double patenting ground.

***Discussion of Claims Rejections - 35 USC §102***

Examiner rejected claims 1, 2, 8-14, 19, and 20 as being anticipated by Buscemi et al., US 5,464,450. Applicants cancelled claim 1, 2, 8-14, 19 and 20 from further consideration.

***Discussion of Claims Rejections - 35 USC §103***

Examiner rejected claims 4, 6, and 7 as being unpatentable over Buscemi '450 in view of Buirge et al., US 5,693,085. Applicants have cancelled claims 4, 6, and 7 from further consideration.

Examiner rejected claim 15 as being unpatentable over Buscemi '450 in view of Lee et al., US 6,806,257. Applicants have cancelled claim 15 from further consideration.

Examiner rejected claim 16 as being unpatentable over Buscemi '450 in view of Bisgaier et al., US 2003/0109442. Applicants have cancelled claim 16 from further consideration.

Examiner rejected claim 17 as being unpatentable over Buscemi '450 in view of Itescu, US 2005/0233992. Applicants have cancelled claim 17 from further consideration.

***Discussion of Allowable Subject Matter***

Claims 3, 5 and 18 have been amended and rewritten in independent form including all of the limitations of the base claim and any intervening claims to be allowable.

***Discussion of New Claims***

Applicants have added new dependent claims 21-30 relating to the amended independent claim 5 to vary the scope of protection and to protect other features of embodiments of the invention. The new claims are supported by the specification and drawings and no new matter has been introduced. The Examiner's consideration of the new claims is respectfully requested.

For new claim 21, the claim was recited in cancelled claim 7 and is supported by paragraphs [0025] and [0078] of the instant invention.

Appn. Number 10/811,413 (Sung et al.) GAU 1615 Amnt. A contd. Page 9

For new claim 22, the claim was recited in amended claim 3 and is supported by paragraphs [0225] and [0226] of the instant invention.

For new claim 23, the claim was recited in cancelled claim 11 and is supported by paragraphs [0029] and [0075] of the instant invention.

For new claim 24 with a single species of lipostabil, the claim was recited in amended claim 18 and is supported by paragraphs [0213] and [0234] of the instant invention.

For new claim 25 with a single species of analgesics/antipyretics, the claim was recited in cancelled claim 12 and is supported by paragraphs [0046] and [0125] of the instant invention.

For new claim 26 with ApoA-I Milano or recombinant ApoA-I Milano/phospholipid complexes, the claim was recited in cancelled claim 16 and is supported by paragraphs [0234] and [0247] of the instant invention.

For new claim 27 with a growth factor, the claim was recited in cancelled claim 19 and is supported by paragraphs [0075] and [0234] of the instant invention.

For new claim 28 with a single species of everolimus, the claim was recited in cancelled claim 13 and is supported by paragraphs [0047], [0123] and [0212] of the instant invention.

For new claim 29 with a single species of angiotensin converting enzyme inhibitors, the claim was recited in cancelled claim 14 and is supported by paragraphs [0048] and [0234] of the instant invention.

For new claim 30 with a single species of endothelial progenitor cells, the claim was recited in cancelled claim 17 and is supported by paragraphs [0051] and [0234] of the instant invention.

### ***Conclusion and Conditional Request For Constructive Assistance***

For all of the above reasons, applicants submit that claims are now in proper form, and that the claims all define patentably over the prior art. Therefore, they submit that this application is now in condition for allowance, which action they respectfully solicit. If, for any reason, this application is not believed to be in full condition for allowance, applicants respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 706.03(d) and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings. If further

Appn. Number 10/811,413 (Sung et al.) GAU 1615 Amnt. A contd. Page 10

issues remain to be resolved, the Examiner is cordially invited to contact the undersigned (949-887-2966) such that any remaining issues may be promptly resolved.

Respectfully submitted,



Hosheng Tu, applicant  
(949)-887-2966 (cell)

10-12-2007  
Date